

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KCI USA, INC.,)	CASE NO. 1:14-CV-549
)	
Plaintiff,)	JUDGE BENITA Y. PEARSON
)	
v.)	
)	
HEALTHCARE ESSENTIALS, INC., ET)	
AL.,)	
)	
Defendants.)	

**PLAINTIFF KCI USA, INC.’S MOTION *IN LIMINE* AND FOR A NON-
REBUTTABLE ADVERSE INFERENCE**

Plaintiff KCI USA, Inc. (“KCI”) respectfully requests that this Court (1) issue a non-rebuttable adverse inference based on Defendants Healthcare Essentials, Inc., Healthcare Essentials, LLC, RT Acquisition, Inc., Healthcare Essentials Medical Devices, LLC, Ryan Tennebar and Colin Tennebar’s (collectively, “Defendants”) destruction, falsification, and/or failure to produce documents and evidence critical to KCI’s damages calculation; and (2) to prohibit Defendants from presenting evidence, argument, or testimony criticizing estimates on which KCI has been forced to rely in calculating its damages.

In sum, KCI should not be prejudiced by Defendants’ efforts to shield itself from damages by subverting KCI’s ability prosecute its claims. The grounds and authority for this motion are set forth in the supporting memorandum attached hereto. The memorandum is incorporated as part of this motion.

Respectfully submitted,

/s/ Thomas O. Crist

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CERTIFICATE OF SERVICE

This is to certify that on July 20, 2018 a copy of the foregoing was sent by the Court's electronic filing system to attorneys of record. A copy of the foregoing was also sent via U.S. Mail, postage prepaid, to:

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